Remarks/Arguments:

Claims 1-15 are pending in the above-identified application.

Claims 1, 5, 7-8, 10 and 12-14 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Conover et al. This ground for rejection is overcome by the amendments to claims 1, 8 and 13.

With regard to claim 1, Conover et al. do not disclose or suggest an:

> Apparatus for producing a traceable analog version of a digital work, comprising:
>
> means for reading sequential data objects of said digital work, at least one of said data objects including multiple **artistically equivalent** members, each of the multiple members representing a distinct analog output signal

Basis for these amendments may be found in the specification at page 5, line 25 to page 6, line 2.

The Conover et al. application concerns a method for watermarking a compressed video bitstream. The described method selectively watermarks predetermined sites in the bitstream by replacing one of the Discrete Cosine Transform (DCT) coefficients. As described by Conover, this replacement distorts the image. (See col. 10, lines 30-44) A site is either watermarked or not watermarked. (See col. 13, lines 60 through col. 14, line 11). The described watermarking method produces a resulting image having greater noise, as measured by the signal to noise ratio than the unwatermarked image. (See col. 14, lines 32-39). Thus, Conover et al. do not teach that the unwatermarked version is "artistically equivalent" to the watermarked version.

Because Conover et al. do not disclose or suggest this limitation of claim 1, claim 1 is not subject to rejection under 35 U.S.C. § 102(e) in view of Conover et al. Claims 5 and 7 depend from claim 1. Accordingly, these claims are not subject to rejection under 35 U.S.C. § 102(e) in view of Conover et al.

With regard to claims 8 and 13, claims 8 and 13, while not identical to claim 1, include a limitation similar to that set forth above with regard to claim 1. Therefore, claims 8 and 13 are

also not subject to rejection for the same reasons as those set forth above with regard to claim 1.

Claims 10 and 12 depend from claim 8 and claim 14 depends from claim 13. Accordingly, these claims are not subject to rejection under 35 U.S.C. § 102(e) in view of Conover et al.

Claims 6, 9, 11 and 15 were rejected under 35 U.S.C. § 103(a) as being obvious in view of Conover et al. and Collart. This ground for rejection is overcome by the amendments to claims 1, 8 and 13 described above. In particular, neither Conover et al., Collart, nor their combination disclose or suggest that "at least one of said data objects including multiple **artistically equivalent** members, each of the multiple members representing a distinct analog output signal," as required by amended claims 1, 8 and 13.

Conover et al. is described above. The patent to Collart concerns a system, method and article of manufacture for tracking the distribution of content electronically. Collart describes a copy tracking system that uses a Burst Cut Area (BCA) on the disc to store a unique identifier. Collart does not disclose or suggest using multiple data objects, "at least one of said data objects including multiple **artistically equivalent** members, each of the multiple members representing a distinct analog output signal," as required by amended claims 1, 8 and 13. Because neither Conover et al. nor Collart. disclose the limitations of claims 1, 8 and 13 , claims 1, 8 and 13 are not subject to rejection under 35 U.S.C. § 103(a) in view of Conover et al. and Collart. Claim 6 depends from claim 1. Claim 9 and 11 depend from claim 8. Claim 15 depends from claim 13. Accordingly, these claims are not subject to rejection under 35 U.S.C. § 103(a) in view of Conover et al. and Collart for at least the same reasons as claims 1, 8 and 13.

Applicants appreciate the indication in the Office Action that claims 2-4 would be allowable if amended to be independent and to include all of the limitations of their base claims and any intervening claims. Because, as described above, claim 1 is in condition for allowance, no amendment to claims 2-4 is needed.

The prior art made of record but not applied has been considered but does not affect the patentability of the invention.

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Amendment Dated November 3, 2004
Reply to Office Action of August 6, 2004

In view of the foregoing amendments and remarks, Applicants request that the Examiner reconsider and withdraw the objections to claims 2-4 and the rejection of claims 1 and 5-15.

Respectfully submitted,

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The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. 18-0350 of any fees associated with this communication.

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November 3, 2004

Tonya M. Berger